

REMARKS

Applicant appreciates the allowance of claims 7, 8, 18, 19 and 23-26.

Claims 1 and 12 were rejected under 35 U.S.C. § 102(b) as being anticipated by Dunne (3,564,783).

In the Examiner's rejection of claims 1 and 12, the Examiner stated that at least one of the box truss sections of Dunne was adapted to have a messaging sign 20 mounted therein. It is very clear from viewing Dunne that the messaging signs 20 and 20a are not mounted within the box truss section. The phantom or dotted lines in Figs. 2 and 14 of Dunne clearly show that the upper end of the signs is positioned above the truss and the lower end of the signs is positioned below the truss. There is nothing in the Dunne patent which even remotely suggests that the messaging signs 20 or 20a could be positioned within at least one box truss section. In fact, the structure of Dunne would prevent the signs 20 and 20a from being mounted within the truss structure. The signs 20 and 20a of Dunne are clearly mounted on the oncoming traffic side of the structure.

It is believed that claims 1 and 12, as originally submitted, clearly state that the one box truss section has the messaging sign mounted therein. However, in an effort to clearly state that the messaging sign is mounted within the one box truss structure, claims 1 and 12 have been amended to describe that the upper end of the messaging sign is positioned below the first upper tube of the one box truss section and that the lower end of the messaging sign is positioned above the first lower tube of the one box truss section. This relationship is clearly illustrated in Fig. 3 as well as in Figs. 1 and 2.

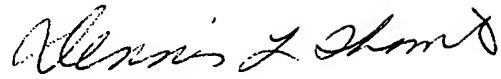
1 Accordingly, it is respectively requested that the Examiner withdraw the rejection of claims 1 and 12 and allow the same.

5 Claims 2-4 and 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunne (3,564,783) in view of Safavi et al. (2004/0123501). Claims 5 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunne (3,564,783). Claims 9, 10, 20 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dunne (3,564,783) in view of Reinitz (3,952,978).

10 Inasmuch as the claims identified above either ultimately depend from claim 1 or claim 12, the Examiner's combination of references, even if construed as including the structure as suggested by the Examiner, which applicant does not admit, the combined or modified structure does not provide a messaging sign positioned within at least one box truss section. Therefore, claims 2-4, 13-15, 5, 16, 9, 10, 20 and 21 should also be allowed inasmuch as there is absolutely no suggestion whatsoever in 15 Dunne, or any other prior art, that a messaging sign could be positioned within at least one of the box truss sections. The importance of the positioning of the messaging sign within the box truss section is set forth in the specification and will not be repeated herein for purposes of conciseness.

20 No fees or extensions of time are believed to be due in connection with this Amendment; however, please consider this a request for any extension inadvertently omitted and charge any additional fees to Deposit Account No. 502093.

Respectfully submitted,



DENNIS L. THOMTE
Registration No. 22,497
THOMTE, MAZOUR & NIEBERGALL
Attorneys of Record

2120 S. 72nd Street, Suite 1111
Omaha, NE 68124
(402) 392-2280

CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT AFTER FINAL REJECTION for AARON C. POOT, Serial No. 10/715,044, was mailed by first class mail, postage prepaid, to Mail Stop AF, Commissioner for Patents, Alexandria, VA 22313, on this 3rd day of November, 2005.



DENNIS L. THOMTE